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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 10/720,817   | 11/24/2003  | Abhay Sudhakarao Kant | 133918-1            | 5358             |
| 23413  | 7590        | 05/25/2005            |                     | EXAMINER         |
| CANTOR COLBURN, LLP<br>55 GRIFFIN ROAD SOUTH<br>BLOOMFIELD, CT 06002 |             |                       | LAU, TUNG S         |                  |
|  |             |                       | ART UNIT            | PAPER NUMBER     |
|  |             |                       | 2863                |                  |

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 10/720,817      | KANT ET AL.  |
|                              | Examiner        | Art Unit     |
|                              | Tung S. Lau     | 2863         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 May 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>See office action</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**Preliminary Amendment**

1. Preliminary Amendment filed 2-3-2004 to amend the specification is noted and accepted by the examiner.

**Information Disclosure Statement**

2. Information Disclosure Statement filed on 2-3-2004 is acknowledged by the examiner; A copy of a signed PTO-1449 attached with this office action.

***Election/Restrictions***

3. A response on 5-13-2005 a provisional election was made without traverse to prosecute the invention of claims 1-4. Claims 5-50 are cancel by the applicant on 5-13-2005.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Twerdochlib et al. (U.S. Patent Application Publication 2003/0222640).

Regarding claim 1:

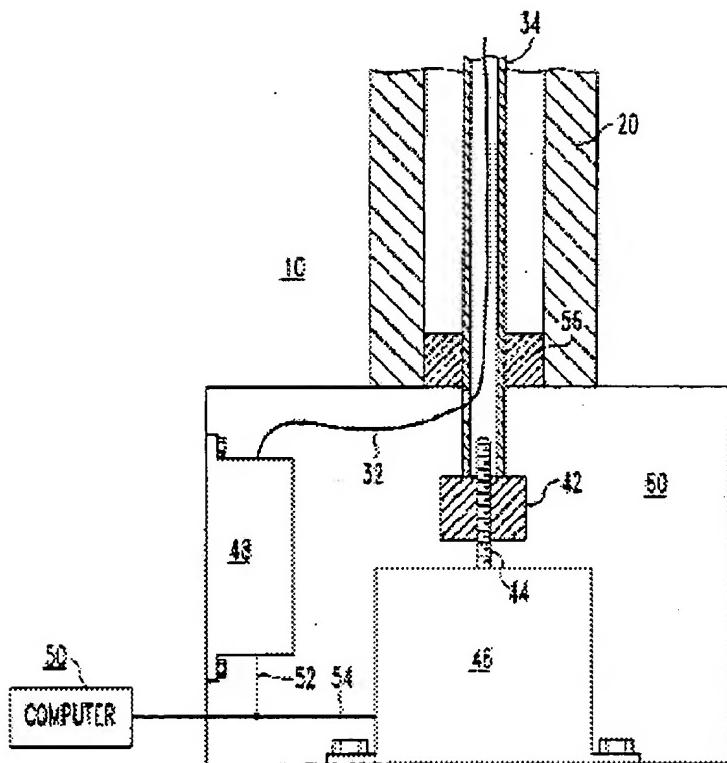
Twerdochlib discloses a system for detecting a rub in a turbomachine comprising: a turbomachine (page 1, section 0008); sensors monitoring turbomachine conditions, and an on site monitor in communication with the sensors (page 4, section 0057), and loaded with instructions to implement a method for detecting a rub in the turbomachine (page 3, section 0050).

Regarding claim 3:

Twerdochlib discloses a method for detecting a rub in a turbomachine, the method comprising: monitoring turbomachine conditions (abstract), and determining whether a rub is occurring (page 3, section 0050).

Regarding claim 4:

Twerdochlib discloses a storage medium encoded with a machine-readable computer program code for detecting a rub in a turbomachine, the storage medium including instructions for causing a computer to implement a method (page 1, section 0008-0009, page 3, section 0050, fig. 2, unit 50) comprising: obtaining data indicating turbomachine conditions (page 3, section 0050); and determining whether a rub is occurring (page 3, section 0050).



*FIG.2*

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Twerdochlib et al. (U.S. Patent Application Publication 2003/0222640) in view of Kikuchi et al. (U.S. Patent Application Publication 2003/0192328).

Twerdochlib discloses a system including the subject matter discussed above except a server in communication with the on site monitor via an internet, Kikuchi a server in communication with the on site monitor via an internet (page 1, section 0008), in order to update machine data easily and reduce cost of the machine operation (page 1, section 0006-0007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Twerdochlib to have the server in communication with the on site monitor via an internet taught by Walter, in order to update machine data easily and reduce cost of the machine operation (page 1, section 0006-0007).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL



MICHAEL NGHIEM  
PRIMARY EXAMINER

5/19/05